

REMARKS

The present communication is filed in response to the Official Action mailed November 14, 2006, rejecting all the claims presently pending in the application. Of the pending claims, claims 1, 7, and 13 are independent claims. All the other claims remaining in the application, namely claims 4-6, 10-12, and 14-23, depend from one of the independent claims.

A one-month extension of the time to respond, up to and including March 14, 2007 is filed concurrently herewith.

Claim Rejections — 35 U.S.C. §103

Claims 1, 4-7, and 10-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,892,508 to Howe et al. ("Howe") in view of U.S. Patent No. 5,978,855 to Metz et al. ("Metz"), The IEEE Standard for a High Performance Serial Bus (hereinafter "1394"), U.S. Patent Application Publication No. 2002/0012530 to Bruls ("Bruls"), U.S. Patent No. 6,020,882 to Kinghorn et al. ("Kinghorn"), and U.S. Patent No. 6,212,632 to Surine ("Surine").

Claim 1 recites: "a processing unit which reads said pre-stored bit rate value from said memory and determines an optimal buffer size in accordance with said bit-rate value and which reserves, in said memory, a storage area having said optimal buffer size in response to a power-on signal in said broadcast receiver." The Examiner contends that this limitation is disclosed by Bruls. However, Applicants respectfully disagree.

Bruls describes a device for encoding and recording a program, where information relating to duration of the program and available data space is provided to a controller. See *Bruls*, ¶ [0022]. The controller then designates a data space in which to store the recorded program, and sets a bit rate, based on the duration of the program, so that the designated data space will

be filled. See *id.* The bit rate is described as "the maximum possible average bit rate at which the best possible reconstruction of the program is feasible on reproduction." *Id.* This clearly does not relate to determining "an optimal buffer size in accordance with said bit-rate value" or reserving "a storage area having optimal buffer size in response to a power-on signal in said broadcast receiver" as recited in claim 1 of the present invention.

Bruls does not teach determining any buffer size. Rather, he mentions that a "data space" may be set aside. Thus, the Examiner appears to equate this data space with the buffer of the present invention. However, the two are not equivalent. The data space of Bruls, in contrast to a buffer, is fixed. Accordingly, Bruls teaches compressing a signal in order to fit the "available data space," as opposed to determining "an optimal buffer size" as claimed in the present application.

The only mention of a buffer in Bruls occurs in paragraph [0024], which states that the controller may determine what type of picture is generated according to criteria such as "the maximum instantaneous bit rate which is to be lower than the transmission capacity of the transport channel and a short-term average, which is to remain so low as *not to exceed the buffer capacity* in a receiving device." (emphasis added) This clearly has nothing to do with determining optimal buffer size or reserving a portion of memory for that size. Indeed, if Bruls had contemplated an optimal buffer size, there would be no concern with "exceed[ing] the buffer capacity in a receiving device."

Furthermore, Bruls does not teach determining buffer size, or any other memory size, in accordance with a bit-rate value. Rather, Bruls determines a data space first, and then calculates a bit-rate according to the predetermined data space.

Bruls nowhere describes that a pre-stored bit-rate value is used to determine an optimal buffer size, or any other memory size.

Accordingly, for at least the reasons discussed above, Applicants submit that Bruls neither teaches nor suggests "a processing unit which reads said pre-stored bit rate value from said memory and determines an optimal buffer size in accordance with said bit-rate value and which reserves, in said memory, a storage area having said optimal buffer size in response to a power-on signal in said broadcast receiver." Moreover, none of the cited references cures this defect. Therefore, it is respectfully requested that the rejection of claim 1 be withdrawn.

Claims 4-6 depend from, and therefore include all the limitations of independent claim 1. Thus, for at least the reasons discussed in connection with claim 1, Applicants submit that claims 4-6 are patentable over the cited art, and therefore request that the rejections of these claims be withdrawn.

Independent claims 7 and 13 recite limitations similar to the limitation of claim 1 specified above. Specifically, claim 7 recites "determining an optimal buffer size in the memory in accordance with the bit-rate value retrieved from the memory and in response to a power-on signal generated by the broadcast receiver." Claim 13 recites "determining an optimal buffer size in the memory in accordance with the bit-rate value retrieved from the memory; and reserving, in the memory, a storage area having the optimal buffer size." Therefore, Applicants submit that claims 7 and 13 are patentable over the cited art for at least the reasons discussed above with respect to claim 1. Furthermore, Applicants submit that claims 10-12 and 14-23 depend from and therefore include the limitations claims 7 and 13, respectively. Thus, Applicants submit that claims 10-12 and 14-23 are patentable over the cited art for the

same reasons as claims 7 and 13. Therefore, withdrawal of the rejections of claims 7 and 10-23 is respectfully requested.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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